

# Time Warner

July 7, 2005

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th St, SW  
Washington, DC 20554

**Re: Notice of Ex Parte Presentation  
Digital Must Carry, CS Docket No. 98-120**

Dear Ms. Dortch,

On July 6, 2005, Steven Teplitz, Vice President and Associate General Counsel, Time Warner Inc. and the undersigned met with Commissioner Kathleen Abernathy and Lauren Belvin, Acting Legal Advisor, to discuss the Commission's consideration of an "either/or" must-carry proposal during the DTV transition.

We stressed that an "either/or" approach would represent a "back door" approach to dual carriage, something the Commission previously rejected in its January 2001 and March 2005 must carry decisions. To the extent that cable operators do not simulcast digital must carry stations in analog due to channel capacity constraints or for other business reasons, analog subscribers will lose signals they would otherwise receive. We further emphasized that an "either/or" approach would fail to advance the DTV transition since it would not provide incentive for broadcasters to return their analog spectrum, nor would it foster the availability of quality digital programming that would serve as incentive for viewers to buy digital television receivers.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this notice is being filed electronically in the above-captioned proceeding for inclusion in the public record. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/ Susan Mort

Susan Mort  
Counsel  
Time Warner Inc.

cc: Kathleen Abernathy  
Lauren Belvin